

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

No.: ICC-01/04-01/07

Date: 4 January 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr. Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR
v. GERMAIN KATANGA**

Confidential

***Ex parte*, available only to the Office of the Prosecutor**

**Prosecution's Communication of Originals of Incriminatory Evidence
Disclosed to the Defence on 4 January 2008**

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor
Mr. Éric Macdonald, Trial Lawyer
Ms. Florence Darques-Lane, Legal Adviser

Defence Counsel

Mr. David Hooper
Ms. Caroline Buisman

The Office of the Prosecutor ("Prosecution") herewith submits the originals of statements and interview notes of Witness 9 and the French translation of Witness 1's unredacted statement, disclosed to the Defence as incriminating evidence in redacted forms pursuant to the terms of the Decision on the Prosecution Request for Authorization to Redact Statements of Witnesses 4 and 9 dated 21 December 2007 ("First Decision"),¹ the Decision on the Defence Request Concerning Languages dated 21 December 2007 ("Second Decision")² and the directions issued by the Single Judge at the hearing held on 14 December 2007³.

Request for *Ex parte* Classification

The Prosecution requests that this communication and its Annex A be received by the Single Judge as "*Ex parte*" pursuant to the Single Judge's directions given during the hearing held on 14 December 2007. On that occasion, the Single Judge ordered that the originals of witness statements disclosed to the Defence in authorized redacted forms, should be filed *ex parte* with the Registry, after the *inter partes* disclosure has taken place.⁴

¹ ICC-01/04-01/07-123-Conf-Exp, p. 24, in which the Single Judge ordered the Prosecution to disclose to the Defence statements and interview notes of Witness 9 with the redactions authorized as specified in Annex 1 to this decision, by 4 January 2008.

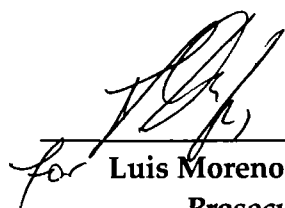
² ICC-01/04-01/07-127, p. 17, in which the Single Judge decided that Germain Katanga shall be provided with a French translation of the authorized redacted version of the statement of Witness 1, by 4 January 2008.

³ ICC-01/04-01/07-T-12-ENG, p. 8, lines 18-25 and p. 9, lines 1-3, in which the Single Judge ordered that the originals of witness statements for which redactions have been authorized be filed *ex parte* following *inter partes* disclosure.

⁴ *Ibid.*

Submission of Originals of Disclosed Evidence

The Prosecution herewith appends as Annex A the "List of Disclosed Materials"⁵ containing the original text of statements and interview notes of Witness 9 and the unredacted French version of Witness 1's statement filed with the Registry on 4 January 2008.



for **Luis Moreno-Ocampo**
Prosecutor

Dated this 4th day of January 2008

At The Hague, The Netherlands

⁵ The List of disclosed materials is attached and is *Annex A* to this communication and contains the originals of statements and interview notes of Witness 9 and the originals of the French version of the statement of Witness 1.